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Kent A. Yalowitz (*pro hac vice* admission pending)
Nancy G. Milburn (*pro hac vice* admission pending)
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Attorneys for Plaintiff
CALIFORNIA RESTAURANT ASSOCIATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

CALIFORNIA RESTAURANT
ASSOCIATION,

Plaintiff,

v.

THE CITY AND COUNTY OF SAN
FRANCISCO and THE SAN FRANCISCO
DEPARTMENT OF PUBLIC HEALTH,

Defendants.

Case No. C 08-03247 CW

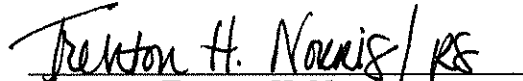
**ORIGINAL SUMMONS AND PROOFS
OF SERVICE OF SUMMONS AND
COMPLAINT**

1 Attached hereto are the original Summons and original Proofs of Service of the Summons
2 and Complaint, which on July 7, 2008 were served personally on Armina Brown, Agent for Service
3 of Process, on behalf of the following defendants: 1) the City and County of San Francisco; and 2)
4 the San Francisco Department of Public Health.

5
6 Dated: July 11, 2008

ARNOLD & PORTER LLP

7
8 By:

A handwritten signature in black ink, appearing to read "Trenton H. Norris", followed by a vertical line and the letters "RS".

Trenton H. Norris
Attorneys for Plaintiff
CALIFORNIA RESTAURANT
ASSOCIATION

Clear Form

AO 440 (Rev. 03/08) Civil Summons (and 6/08)

E-filing

UNITED STATES DISTRICT COURT

for the

NORTHERN DISTRICT OF CALIFORNIA

CALIFORNIA RESTAURANT
ASSOCIATION,

Plaintiff

v.

THE CITY AND COUNTY OF SAN
FRANCISCO and THE SAN FRANCISCO
DEPARTMENT OF PUBLIC HEALTH

Defendant

CV 08

3247

CW

Civil Action No.

Summons in a Civil Action

To: The City and County of San Francisco and The San Francisco Department of Public Health

(Defendant's name)

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

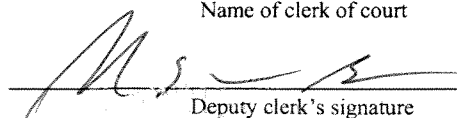
Trenton H. Norris
Arnold & Porter LLP
90 New Montgomery Street, Suite 600
San Francisco, CA 94105

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Richard W. Wieking

Name of clerk of court

Date: July 3, 2008


Deputy clerk's signature

MARY ANN BUCKLEY

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

SARAH ESMAILI (SBN 206053)
ARNOLD & PORTER LLP
90 New Montgomery Street, Suite 600
San Francisco, CA 94105
Telephone: (415) 356-3000
Attorney for: Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff : CALIFORNIA RESTAURANT ASSOCIATION
Defendant : THE CITY AND COUNTY OF SAN FRANCISCO, et al.

Ref#: 239250 * **PROOF OF SERVICE** * Case No.: C08-3247 CW

At the time of service I was at least eighteen years of age and not a party to this action and I served copies of the:

LIST OF DOCUMENTS ATTACHED HERETO AS EXHIBIT A

in the within action by personally delivering true copies thereof to the person named below, as follows:

Party served : THE CITY AND COUNTY OF SAN FRANCISCO

By serving : Armina Brown, Authorized Agent

Address : Mayor's Office
1 Dr. Carlton B. Goodlett Place #200
San Francisco, CA 94102

Date of Service: July 7, 2008

Time of Service: 1:30 PM

Person who served papers:
KINTO V. FANNIN
SPECIALIZED LEGAL SERVICES, INC.
1112 Bryant Street, Suite 200
San Francisco, CA 94103
Telephone: (415) 357-0500

Fee for service: \$60.00
Registered California process server.
(i) Employee or Independent Contractor
(ii) Registration no.: 1025
(iii) County: San Francisco

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: July 7, 2008


Signature: 

EXHIBIT A

SUMMONS IN A CIVIL ACTION;

COMPLAINT;

CORPORATE DISCLOSURE STATEMENT;

CIVIL COVER SHEET;

ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES;

ECF REGISTRATION INFORMATION HANDOUT;

NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE TO EXERCISE JURISDICTION;

CONSENTING TO A MAGISTRATE JUDGE'S JURISDICTION IN THE NORTHERN DISTRICT OF CALIFORNIA;

APPLICATION FOR ADMISSION OF NANCY G. MILBURN PRO HAC VICE;

[PROPOSED] ORDER GRANTING APPLICATION FOR ADMISSION OF NANCY G. MILBURN PRO HAC VICE;

APPLICATION FOR ADMISSION OF KENT A. YALOWITZ PRO HAC VICE;

[PROPOSED] ORDER GRANTING APPLICATION FOR ADMISSION OF KENT A. YALOWITZ PRO HAC VICE;

APPLICATION FOR ADMISSION OF PETER L. ZIMROTH PRO HAC VICE;

[PROPOSED] ORDER GRANTING APPLICATION FOR ADMISSION OF PETER L. ZIMROTH PRO HAC VICE;

PROOF OF SERVICE BY HAND DELIVERY;

NOTICE OF MOTION AND PLAINTIFF'S MOTION FOR DECLARATORY RELIEF AND A PRELIMINARY INJUNCTION;

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF;

[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION FOR DECLARATORY RELIEF AND A PRELIMINARY INJUNCTION;

PROOF OF SERVICE BY HAND DELIVERY;

STIPULATION AND [PROPOSED] ORDER REGARDING PAGE LIMITS AND BRIEFING SCHEDULE REGARDING PLAINTIFF'S MOTION FOR DECLARATORY RELIEF AND A PRELIMINARY INJUNCTION, AND REGARDING STAY OF ENFORCEMENT;

DECLARATION OF SARAH ESMALI IN SUPPORT OF PLAINTIFF'S MOTION FOR DECLARATORY RELIEF AND A PRELIMINARY INJUNCTION;

APPENDIX TO PLAINTIFF'S MOTION FOR DECLARATORY RELIEF AND A PRELIMINARY INJUNCTION

SARAH ESMAILI (SBN 206053)
ARNOLD & PORTER LLP
90 New Montgomery Street, Suite 600
San Francisco, CA 94105
Telephone: (415) 356-3000
Attorney for: Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff : CALIFORNIA RESTAURANT ASSOCIATION
Defendant : THE CITY AND COUNTY OF SAN FRANCISCO, et al.

Ref#: 239251 * **PROOF OF SERVICE** * Case No.: C08-3247 CW

At the time of service I was at least eighteen years of age and not a party to this action and I served copies of the:

LIST OF DOCUMENTS ATTACHED HERETO AS EXHIBIT A .

in the within action by personally delivering true copies thereof to the person named below, as follows:

Party served : THE SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH

By serving : Armina Brown, Authorized Agent

Address : Mayor's Office
1 Dr. Carlton B. Goodlett Place #200
San Francisco, CA 94102

Date of Service: July 7, 2008

Time of Service: 1:30 PM

Person who served papers:

KINTO V. FANNIN
SPECIALIZED LEGAL SERVICES, INC.
1112 Bryant Street, Suite 200
San Francisco, CA 94103
Telephone: (415) 357-0500

Fee for service: \$30.00
Registered California process server.
(i) Employee or Independent Contractor
(ii) Registration no.: 1025
(iii) County: San Francisco

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: July 7, 2008

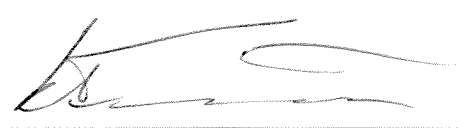
Signature: 

EXHIBIT A

SUMMONS IN A CIVIL ACTION;

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CORPORATE DISCLOSURE STATEMENT;

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CONSENTING TO A MAGISTRATE JUDGE'S JURISDICTION IN THE NORTHERN DISTRICT OF CALIFORNIA;

APPLICATION FOR ADMISSION OF NANCY G. MILBURN PRO HAC VICE;

[PROPOSED] ORDER GRANTING APPLICATION FOR ADMISSION OF NANCY G. MILBURN PRO HAC VICE;

APPLICATION FOR ADMISSION OF KENT A. YALOWITZ PRO HAC VICE;

[PROPOSED] ORDER GRANTING APPLICATION FOR ADMISSION OF KENT A. YALOWITZ PRO HAC VICE;

APPLICATION FOR ADMISSION OF PETER L. ZIMROTH PRO HAC VICE;

[PROPOSED] ORDER GRANTING APPLICATION FOR ADMISSION OF PETER L. ZIMROTH PRO HAC VICE;

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DECLARATION OF SARAH ESMALI IN SUPPORT OF PLAINTIFF'S MOTION FOR DECLARATORY RELIEF AND A PRELIMINARY INJUNCTION;

APPENDIX TO PLAINTIFF'S MOTION FOR DECLARATORY RELIEF AND A PRELIMINARY INJUNCTION

PROOF OF SERVICE

STATE OF CALIFORNIA)
)
CITY AND COUNTY OF SAN FRANCISCO) SS.

I am employed in the County of San Francisco, State of California. I am over the age of 18 years and not a party to the within action. My business address is 90 New Montgomery Street, Suite 600, San Francisco, California 94105-4549.

On July 11, 2008, I served the foregoing document(s) described as:

ORIGINAL SUMMONS AND PROOFS OF SERVICE OF SUMMONS AND COMPLAINT

Said document(s) was placed in a sealed envelope, addressed as indicated below, and deposited for collection with the United States Postal Service for delivery to the addressee(s).

Francesca Gessner, Deputy City Attorney
Tara Steeley, Deputy City Attorney
San Francisco City Attorney's Office
1 Dr. Carlton B. Goodlett Place, Room 234
San Francisco, CA 94102-4682

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 11, 2008, at San Francisco, California.

Carol Grey
Carol Grey